

REMARKS

Specification and Claims Informalities

The amendments to the specification and amendments to claims 1, 6, 8 and 10 address informalities pointed out by examiner. The amended claims are believed to obviate these objections.

35 U.S.C. § 102/103

Examiner rejects claims 1-4 under 35 U.S.C. 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103 (a) as obvious over DeProspero et al. (U.S. Patent No. 5,639,539). This rejection is traversed, and reconsideration is requested.

DeProspero et al. is clearly directed at a releasable wall covering. The functionality of a wall covering is vastly different from a non-slip table covering or foot covering.

Applicant has amended claim 1, along with its dependent claims 2, 3 and 4, to add an adhesion value of 5 to 50 grams per centimeter width as disclosed in paragraph [0065] of the specification.

DeProspero's wall covering is intended to adhere for extended time periods. At column 8 lines 7 to 16, DeProspero characterizes the typical adhesion in a peel test as from 5 to 15 ounces per inch of adhesive. Even on DeProspero's lowest extreme, 5 ounces per inch converts to 55.80 grams/cm.

1 ounce = 28.35 gram

1 inch = 2.54 cm

<u>5 ounces</u>	<u>(28.35)</u>	=	<u>55.80 grams</u>
inch	(2.54)		cm

DeProspero clearly does not envision a slip resistant nonwoven according to the invention. DeProspero's wall covering although described as removable is semi-permanent, and does not teach a slip resistant nonwoven or such a material useful as a slip resistant foot covering.

To the extent claim 1 should now be allowable over DeProspero, its dependent claims should be equally allowable.

Examiner has rejected claims 1-3 under 35 U.S.C. 102(b) or alternatively under 103(a) relying on Kesti et al. (U.S. Patent No. 5,824,748). This rejection is traversed and reconsideration requested.

Kesti et al. is directed at polymeric microspheres comprising two polymers, one a solute polymer and the second a matrix polymer. Kesti is not directed at microcapsules. Kesti does not teach the slip resistant substrate of the invention, and does not teach desirability of a particular threshold drag force. Kesti's focus is adhesion not slip resistance.

The drag force and adhesion values of the substrate according to the invention define a system not taught by Kesti and address a problem neither contemplated nor attempted to be solved by Kesti. It is pure conjecture to conclude that Kesti's microspheres coated or assembled in a manner taught by Applicant would have characteristics of the invention. Kesti's tables 2 and 3 show the focus on adhesion with static shear values primarily in excess of 17,000+.

Overlap, if any, in the example is clearly unappreciative of the invention or the problem applicant addresses. Kesti's examples are coated onto paper or polyester film. No nonwoven or airlaid web is illustrated or taught. Kesti clearly does not teach and is not directed to a slip resistant nonwoven.

Examiner rejects claims 1-3 under 35 U.S.C. 102(b) or in the alternative under 35 U.S.C. 103(a) relying on Delgado (U.S. Patent No. 5,908,693). The rejection is traversed and reconsideration requested.

Delgado is directed to a wound dressing employing microspheres. Delgado does not teach a nonslip nonwoven. Delgado does not teach a nonslip table covering.

Delgado does not teach nonslip disposable footwear. The invention addresses a problem neither contemplated nor attempted to be solved by Delgado.

Examiner rejects claims 6 and 7 under 35 U.S.C. 103(a) relying on Delgado et al. in view of McKnight (U.S. Patent No. 4,561,435. This rejection is traversed and reconsideration requested.

McKnight like Delgado is drawn to a wound dressing not a slip resistant nonwoven.

McKnight like Delgado does not contemplate nor address the problem contemplated and solved by the invention.

McKnight and Delgado alone or together do not teach a nonwoven *resistant to slippage having an average drag force of at least 250 grams and an adhesion value of 5 to 50 grams per centimeter width*.

The references clearly do not teach a table covering, nor disposable footwear.

Allowable Subject Matter

Claims 8-10 and 14 were indicated as allowable if rewritten to address the Section 112 issue. The current amendments are believed to obviate the Section 112 issues.

Although claims 11-13 are not currently being considered, claims 12 and 13 are also indicated amended to correct the antecedent basis issue identified by examiner.

Claim 8 has been rewritten to clarify that the “covering layer” is the “surface coated with microcapsules.” The location of the resilient material is also clarified to “being provided at the opening” to snugly close the opening. Figure 4 clearly depicts and Paragraph [0084] of the specification describes that a resilient material such as a stretchable elastomeric is provided around the footwear opening for snugly securing the footwear.

Claim 10 is also similarly amended to clarify that the substrate has a covering layer of a nonwoven and to clarify that the resilient material surrounds the opening.

Claim 12 has been amended to correct the dependency to be on claim 11 rather than 10 to obviate the objection as to lack of antecedent basis for “batting.”

Claim 13 is amended to delete the first "and" and replace the word with "of" correcting a typographical error.

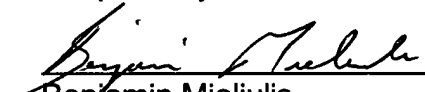
Claim 5 was objected to as being dependent upon a rejected base claim but was indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 has been rewritten as an independent claim.

Claim 5 is rewritten in independent form. Previously three independent claims were paid for. Please charge the \$80.00 fee for an additional independent claim to Appleton Papers Inc. Deposit Account No. 01-2210. This authorization includes any other fees necessitated to further prosecution of this case.

Applicants thank examiner for the thoroughness of the response.

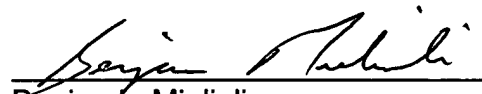
Early action allowing the claims enabling this case to proceed to issuance is requested.

Respectfully submitted,


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I certify that this correspondence is being deposited on January 2, 2004 with the US Postal Service with sufficient postage as first class mail addressed to: Commissioner for Patents, P O Box 1450, Alexandria, Virginia 22313-1450.


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